IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1554 OF 2005

Shri Shabbir Sayyad Issa

Jafar Nagar, Malegaon, Dist.Nasik ..Petitioner

Versus

1. The State of Maharashtra
   Through the Commissioner of
   Transport, State of Maharashtra,

2. The Regional Transport Officer(W)
   Having office at Andheri (West),
   111-D, Ambivilli Village,
   Versova Road, Mumbai-400 053 ..Respondents

Ms.A.P.Madhuri for the petitioner.

Mr.N.P.Deshpande, AGP for Respondents.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 21.03.2005.

Oral Judgment :- (Per : R.M.Lodha,J)

. Heard.

2. Rule. Returnable forthwith.

3. The learned Assistant Government Pleader waives service.

4. At the request of the learned Counsel for the parties, rule is heard finally at this stage.

5. The petitioner seeks release of vehicle bearing registration No.MH-15-AG-5118 that came to be detained by the Respondent No.2 as the said vehicle was found being plied in Mumbai in breach of the order of this Court dated 3.3.2004.

6. The learned Counsel for the petitioner does not dispute the fact that the said vehicle is more than 8 years old. She also does not dispute that the said vehicle is a commercial vehicle and at the time of detention was found plying in the city of Mumbai.

7. The learned Counsel for the petitioner submits that the petitioner shall not henceforth ply this vehicle in the city of Mumbai if released. She also submits that the petitioner is ready and willing to deposit the fine that may be fixed by us with the respondent no.2.

8. The learned Assistant Government Pleader has left the matter to us.

9. In the light of the submissions made by the learned Counsel for the petitioner, we dispose of the Writ petition by following order :-

O R D E R

1. That the petitioner shall file an undertaking before this Court within 2 weeks from today that she will not use vehicle bearing registration No.MH-15-AG-5118 in the city of Mumbai upon release of the said vehicle. The copy of the said undertaking shall be supplied by the petitioner to the Regional Transport Officer (West).

2. The petitioner shall deposit the sum of Rs.10,000/- with the respondent No.2 Regional Transport Officer (west) within 2 weeks from today.

3. Upon compliance of the aforesaid conditions, the respondent no.2-Regional Transport officer (West) is directed to release vehicle bearing Registration No.MH-04-H-5501 to the petitioner.

4. No costs.

(R.M.LODHA,J)

(R.S.MOHITE,J)